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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,256	07/26/2006	Eckhard Kruse	1034193-000035	3047

21839 7590 01/24/2008
BUCHANAN, INGERSOLL & ROONEY PC
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

EXAMINER

WILLIAMS, CLAYTON R

ART UNIT	PAPER NUMBER
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4152

NOTIFICATION DATE	DELIVERY MODE
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01/24/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/567,256	Applicant(s) KRUSE ET AL.	
	Examiner CLAYTON WILLIAMS	Art Unit 4152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/06/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-22 are pending in this application. Claims 1-8, 10-22 are being amended by an amendment filed 2/6/1006.

Claim Objections

1. Claims 1, 4, 6, 8-10, 16, 21 and 22 are objected to because of the following informalities:
 - a. Claim 1, line 4: "installation" should read "installations".
 - b. Claim 4: "the data" lacks antecedent basis.
 - c. Claim 6, line 2: "the representative services" lacks antecedent basis.
 - d. Claim 8, lines 1-2: "the evaluation" and "the pointers" lack antecedent basis.
 - e. Claim 9: "the purpose", "the case" and "the pointers" lack antecedent basis.
Moreover, one of the two instances of "of the" preceding "pointers" should be deleted.
 - f. Claim 10: the two instances of "the representative services" lacks antecedent basis.
 - g. Claim 16, lines 1-2: Claim should be rewritten to depend on a claim which recites a method. For purposes of this action, claim 16 is interpreted to depend on claim 11.
Moreover, "the representative services" lacks antecedent basis.
 - h. Claim 19 recites the limitation "the calling client application". This limitation lacks antecedent basis.
 - i. Claim 21: "first installation" lacks antecedent basis; changing phrase to "first distributed installation" would alleviate objection.
 - j. Claim 22: the two instances of "the representative services" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 4 recites the limitation “the data which have been combined into a uniform structure using the integration layer”. The claim is unclear as to whether this “data” is the same “data” as recited in claim 1 or another data. This limitation lacks both antecedent basis and fails to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

5. Claim 14 recites the limitation “the data which have been combined into a uniform structure using the integration layer”. The claim is unclear as to whether this “data” is the same “data” as recited in claim 11 or another data. This limitation lacks both antecedent basis and fails to particularly point out and distinctly claim the subject matter which applicant regards as his invention.

Claim Rejections - 35 USC § 102

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6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claim 1-8, 10-18 and 20-22 is rejected under 35 U.S.C. 102(b) as being anticipated by Crater et al., US 6,201,996 (hereinafter Crater).

For claim 1, Crater discloses:

A system for web-based monitoring (col. 9, lines 16-19, disclosure of web pages 165 of system 100 serving collected monitoring information to client computers) and control of distributed installations (col. 10, lines 40-44, disclosure that system allows web-browser based clients to issue commands to remote systems) with at least one web client (col. 9, lines 60-66, disclosure of browser 220) which interchanges data/information with web servers in the respective distributed installation via communication links (K), and that wherein the at least one web client comprises applications and an integration layer which execute, show and/or display the data/information interchange with the distributed installations (col. 9, lines 61-66, ability of browser 220 to execute applets).

For claim 2, Crater discloses:

The system as claimed in claim 1, wherein the integration layer is formed by a piece of integral software for data interchange and/or for data evaluation with the distributed installations (col. 9, lines 61-66).

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For claim 3, Crater discloses

The system as claimed in claim 1, wherein the purpose of data interchange between the web client and the distributed installations is served by virtue of the web client containing representative services for communication by the web servers in the respective distributed installations, said representative services communicating with the integration layer and with the web servers in the respective distributed installations (col. 9, lines 16-19 and col. 21, lines 37-39, disclosure of multitude of system 100s querying each other in response to request from browser client).

For claim 4, Crater discloses

The system as claimed in claim 1, wherein the applications stored in the web client are applications or application programs which show and/or display the data which have been combined into a uniform structure using the integration layer (col. 9, lines 34-36 and 38-39, disclosure of web browser receiving content from multiple system 100s and combining this data for presentation).

For claim 5, Crater discloses

The system as claimed in claim 1, wherein the integration layer preprocesses data requests from the applications (col. 21, lines 18-22, applets server as intermediaries between web browser and controllers, whereby the applets accept input from browser, display results to through browser and process information received from network systems).

For claim 6, Crater discloses

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The system as claimed in claim 1, wherein the applications, the integration layer and the representative services are in the form of software components and can be installed and executed automatically using standard web mechanisms (col. 9, lines 61-66).

For claim 7, Crater discloses

The system as claimed in claim 1, wherein the distributed installations store data structures with references, where the references contain pointers to data, structures and/or substructures in further distributed installations (col. 21, lines 36-40, disclosure of controllers having pointers that point to data structures in other controllers on the network).

For claim 8, Crater discloses

The system as claimed in claim 1, wherein the integration layer executes the evaluation of the pointers with further distributed installations recursively or cyclically (col. 21, lines 36-40, disclosure of browser establishing connections with multiple controllers which have pointers to data stores in other controllers).

For claim 10, Crater discloses:

The system as claimed in claim 1, wherein the data interchange between the applications, the integration layer and the representative services in the distributed installations can be executed using local function calls (col. 9, lines 60-63, disclosure of browser 220 utilizing applets, applets which interact with browser using local service calls), and the data interchange between the representative services and the web servers in the distributed installations can be executed using web service calls (col. 9, lines 16-20, disclosure that interaction between controller and querying computer by way of web server).

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For claim 11, Crater discloses:

A method for web-based monitoring (col. 9, lines 16-19) and control of distributed installations (col. 10, lines 40-44) with at least one web client (col. 9, lines 60-66, disclosure of browser 220) which interchanges data/information with web servers in the respective distributed installation via communication links (K), and the at least one web client stores applications and an integration layer which are used to execute, show and/or display the data/information interchange with the distributed installations (col. 9, lines 61-66).

For claim 12, Crater discloses:

The method as claimed in claim 11, wherein the integration layer is formed by a piece of integral software for data interchange and/or for data evaluation with the distributed installations (col. 9, lines 61-66).

For claim 13, Crater discloses:

The method as claimed in claim 11, wherein the purpose of data interchange between the web client and the distributed installations is served by virtue of the web client storing representative services which communicate with the integration layer and with the web servers in the respective distributed installations (col. 9, lines 16-19 and col. 21, lines 37-39).

For claim 14, Crater discloses:

The method as claimed in claim 11, wherein the data which have been combined into a uniform structure using the integration layer are shown and/or displayed using the applications stored in the web client (col. 9, lines 34-36 and 38-39).

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For claim 15, Crater discloses:

The method as claimed in claim 11, wherein the purpose of requesting data from the web servers in the distributed installations is served by virtue of the applications being used to preprocess requests from the integration layer (col. 21, lines 18-22).

For claim 16, Crater discloses:

The method as claimed in claim 11, wherein the application, the integration layer and the representative services are in form of software components and are installed and executed automatically using standard web mechanisms (col. 9, lines 61-66).

For claim 17, Crater discloses:

The method as claimed in claim 11, wherein the distributed installations store data structures with references, the references containing pointers to data, structures and/or substructures in further distributed installations (col. 21, lines 36-40).

For claim 18, Crater discloses:

The method as claimed in claim 11, wherein pointers in the respective distributed installation to further distributed installations involve the evaluation of the pointers of the distributed installations being executed recursively or cyclically using the integration layer (col. 21, lines 36-40).

For claim 20, Crater discloses:

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The method as claimed in claim 11, wherein the references between the distributed installations are resolved only following a request by the web client (col. 21, lines 34-40, disclosure that references between controllers are not resolved until request made by client).

For claim 21, Crater discloses:

The method as claimed in claim 11, wherein the data/information in a first installation are first loaded in the integration layer and evaluated in relation to pointers with further distributed installations (col. 21, lines 39-40, disclosure of browser, rather than controllers, making connections to individual controllers and resolving pointers in order to reach referenced additional controllers).

For claim 22, Crater discloses:

The method as claimed in claim 11, wherein the data interchange between the applications, the integration layer and the representative services in the distributed installations is executed using local function calls (col. 9, lines 60-63), and the data interchange between the representative services and the web servers in the distributed installations is executed using web service calls (col. 9, lines 16-20).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claim 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crater, as applied to claims 1, 8, and 11, 18, in view of Fleischman, US 6,507,847 (hereinafter Fleischman).

For claim 9, Crater discloses:

“The system as claimed in claim 8”.

Crater fails to disclose the limitation “wherein abortion criteria are provided for the purpose of avoiding continuous loops in the case of cyclic execution of the of the pointers”.

However, Fleischman discloses a method for terminating a query before a pointer “loopback” condition ensues (col. 9, lines 42-49). Crater and Fleischman are analogous art because both are from the field of database querying.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Crater with a method of terminating a database query before an infinite loop condition, as taught by Fleischman, because this modification allows a database query to terminate before an infinite loopback condition impacts system performance by needlessly consuming resources.

For claim 19, Crater discloses:

The method as claimed in claim 18 wherein cyclic execution of the evaluation of the pointers involves a generated data display being transmitted to the calling client application (col. 21, lines 34-39).

Crater fails to disclose the limitation “the procedure being interrupted by means of suitable abortion criteria”.

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However, Fleischman discloses a method for terminating a query before a pointer “loopback” condition ensues (col. 9, lines 42-49). Crater and Fleischman are analogous art because both are from the field of database querying.

It would have been obvious to one skilled in the art at the time of the invention to modify the teachings of Crater with a method of terminating a database query before an infinite loop condition, as taught by Fleischman, because this modification allows a database query to terminate before an infinite loopback condition impacts system performance by needlessly consuming resources.

Conclusion

The prior art of record and not relied upon is considered pertinent to the applicant's disclosure.

- a. Baghai et al., US 5,905,868: A performance monitoring system that uses a client/server architecture.
- b. Friedrich et al., US 5,958,009: A measurement system and method of instrumenting a computer program for efficiently monitoring the quality of service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CLAYTON WILLIAMS whose telephone number is (571)270-3801. The examiner can normally be reached on M-F (8 a.m. - 5 p.m.).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on 571-272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CRW
01/09/08

/Nabil El-Hady, Ph.D, M.B.A./
Supervisory Patent Examiner, Art Unit 4152